



# CITY OF SINTON

## PERSONNEL POLICIES

Approved by Sinton City Council on February 18, 2025

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A MESSAGE TO CITY EMPLOYEES  
FROM THE CITY COUNCIL

We are glad to have you on the team of public servants that make up City government. From elected officials to temporary employees, our job is to serve our fellow neighbors. As a City employee, you have a responsibility to the citizens of the City of Sinton. How well you do your work and how you conduct yourself on the job are subject to public approval. Your contact with citizens will often be the only basis on which our city government is judged. Therefore, our objective is to provide the best possible service to the citizens in an efficient, fair, and courteous manner.

This manual and the personnel policies contained within it are intended to provide guidance on how we work as a team to provide that public service. Whether you are a new or experienced employee, this manual will give you facts about the City, how it works, and the policies that govern us as employees.

The personnel policies and procedures of the City are adopted by the City Council, are subject to regular review, and may be updated or changed from time to time.

Each department may have additional policies, not inconsistent with these governing its employees. Be sure to check with your supervisor or department head to see which additional policies, if any, are applicable to you. If you need more details on the City-aid policies and procedures, please consult the City Manager's Office.

Sincerely,

MAYOR AND MEMBERS OF THE CITY COUNCIL

## **1.00 GENERAL POLICIES**

### **1.01 AUTHORITY**

These Policies are established by the City Council and any deletions, amendments, revisions, or additions to the policies must be approved by the City Council.

These Policies completely replace and supersede any and all personnel policies previously adopted, individually or as a set of policies, by the City Council.

In addition to these personnel policies, department heads may establish departmental rules and regulations that relate specifically to their departments, as long as they do not conflict with these policies. If there is a conflict between a departmental rule or policy and these policies or any future amendments to these policies, the terms of these policies, as amended, shall prevail. Additionally, departmental rules and regulations must be approved by the City Manager.

The City also maintains a Safety Policy, approved by the City Manager which all employees must read and follow.

### **1.02 SEVERABILITY**

The provisions of these policies are severable, and if any provision or part of a provision is held invalid, illegal, or unenforceable, this shall not affect the validity of the remaining provisions or parts of these policies, which shall remain in force and effect.

### **1.03 RESPONSIBILITY FOR IMPLEMENTATION OF PERSONNEL POLICIES**

The City Manager is responsible for the administration of the personnel policies and procedures. The City Manager may delegate authority to appropriate staff members to act on his or her behalf in the administration of these policies and procedures.

With the exception of matters of appointments and any other personnel actions reserved to the City Council by statute or ordinance, final authority on appointments and personnel decisions is reserved to the City Manager.

### **1.04 PURPOSE**

These policies set forth the primary rules governing employment with the City. The policies contained here inform employees of the benefits and obligations of employment with the City. They have been prepared and adopted in order to promote consistent, equitable, and effective practices by both employees and supervisors which will result in high-quality public service to the citizens of the City.

### **1.05 APPLICABILITY OF PERSONAL POLICIES**

These personnel policies apply equally to all employees of the City unless a class of employees is specifically exempted from these policies.

In cases where federal or state laws or regulations supersede local policy for specific groups of employees, such laws or regulations will substitute for these personnel policies only insofar as necessary for compliance.

### **1.06 DISSEMINATION OF PERSONNEL POLICIES**

The City Manager and the City Secretary maintain the official set of personnel policies with all revisions for reference by employees. In addition, the City Secretary will provide a complete copy of this manual and copies of all subsequent revisions to each department head, who is responsible for notifying employees of policy changes and making the updated manual available to employees. If a question arises about a particular policy, the official set of policies maintained by the City Manager/City Secretary should be consulted and will control.

Employees are required to read this manual carefully and to adhere to the rules and regulations stated herein. Within two (2) weeks of employment, every employee is required to sign an acknowledgment of having read the Personnel Policies Manual and understood the policies contained in it.

### **1.07 EQUAL EMPLOYMENT OPPORTUNITY**

It is the policy of the City not to allow discrimination against any person in job structuring, recruitment, examination, selection, appointment, placement, training, upward mobility, discipline, or any other aspect of personnel administration based on a person's race, age, religion, color, handicap, national origin, sex, political affiliation or belief, or any other non-merit factor. Personnel decisions will be made only on the basis of occupational qualifications and job-related factors.

Retaliation or discrimination against an employee for alleging discrimination on any of the bases covered in this chapter is prohibited.

### **1.08 AFFIRMATIVE ACTION**

The City will take affirmative action to see that applicants are employed, and employees are treated during their employment, without discrimination based on race, color, handicap, religion, sex, national origin, age, political affiliation or belief, or any other non-merit factor. In addition, the City will seek actively to include qualified members of minority, handicapped, disabled, and Vietnam-era veteran groups in applicant pools.

### **1.09 SEXUAL HARASSMENT**

It is the policy of the City of Sinton to provide and maintain a work environment that is free of sexual harassment, sexual exploitation, and intimidation. All employees are expected to comply with this policy; failure to do so will result in disciplinary action up to and including termination.

In this section, "sexual harassment" means unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature, submission to which is made a term or condition of a person(s)' exercise or enjoyment of any right, privilege, power, or community.

Any employee who believes he or she has been subjected to sexual harassment should file a grievance under the special grievance procedure relating to sexual harassment. When such an allegation is reported a confidential investigation of the alleged incident will take place immediately.

### **1.10 CHANGES TO THESE POLICIES AND EMPLOYEE SUGGESTIONS**

These personnel policies may be amended or revised or new policies may be added, at any time with or without notice, upon the approval of the City Council. In addition, the City Manager conducts an annual review of the policies contained in this manual as a part of the budget process and submits any necessary or recommended changes to the City Council

for approval prior to the beginning of the new fiscal year. Changes will be made to the personnel policies contained in this manual for the following purposes:

- To clarify and/or enhance existing policies;
- To add new policies or amend existing policies in order to improve current management practices; and
- To bring current policies into conformance with changes in law or City Policy.

Employees are encouraged to make constructive suggestions for improvement in these policies or in work procedures or conditions. Any employee who wishes to suggest a personnel policy change should submit his or her suggestion(s) to the City Manager through appropriate channels for consideration during the annual review process. Employees are responsible for maintaining current knowledge and understanding of all personnel policy changes and for requesting clarification or assistance when needed.

Department heads are provided copies of all changes to these personnel policies and employees are notified of changes by the department head as soon as practicable.

## **2.00 EMPLOYEE RESPONSIBILITIES**

### **2.01 GENERAL**

The City of Sinton is a public, tax-supported organization. Its employees must adhere to high standards of public service that emphasize professionalism, courtesy, and avoidance of even the appearance of illegal or unethical conduct at all times. Employees are required to give a full day's work, to carry out efficiently the work items assigned as their responsibility, to maintain good moral conduct, and to do their part in maintaining good relations with the public, their supervisors, city officials, and their fellow employees.

### **2.02 PROFESSIONAL APPEARANCE**

Employees of the City of Sinton are hired to provide services to the City's citizens and to perform specific tasks in a professional manner. As representatives of the City, employees are encouraged to set and meet high standards both in performing quality work and in presenting a professional personal image to the public. While the City does not have a formal dress code, employees are expected to exercise regular hygiene care and to dress and groom themselves in a neat and tasteful manner that is appropriate to the particular job being performed. Expensive clothes are not necessary, but a neat, well-groomed appearance and a courteous attitude are necessary for creating and maintaining a professional, favorable image of the City's workforce.

### **2.03 TIMELINESS AND ATTENDANCE**

Employees are to be punctual in reporting for work, keeping appointments, and meeting schedules for completion of work. An employee who expects to be late for or absent from work must report the expected tardiness or absence to his or her supervisor not later than thirty (30) minutes after the time the employee is scheduled to begin work unless emergency conditions exist. It is preferable and may be required in some departments, for an employee who will be late or absent to contact his or her supervisor at least two (2) hours prior to the scheduled time to begin work. See also the Leave Time Chapter of these policies for matters involving planned absences.

Failure to report within the required period can be considered justification for disallowing paid sick leave for an absence. Unless otherwise approved by the supervisor, employees are expected to call on each day of absence. Where the nature of the absence necessitates an extended period of time off, longer reporting intervals may be approved by the supervisor. Frequent tardiness or unexcused absence is not permissible and is grounds for disciplinary action up to and including termination.

### **2.04 OUTSIDE ACTIVITIES**

Employees may not engage in any outside employment, activity, or enterprise determined by the City Manager

- 1) To be inconsistent or incompatible with employment with the city; or
- 2) To affect the employee's job performance adversely.

An employee who wishes to engage in such activity must prepare a full and complete written request describing the employment activity for which permission is requested and must have the advance approval of his or her department head to engage in any outside employment including self-employment.

If a city employee is injured on the job in the course of the employment outside of his or her employment with the City, the employee may not file a workers' compensation claim against the City for benefits related to the injury, regardless of the fact that the City Manager or Department Head may have approved of the outside employment.

## **2.05 GIFTS AND GRATUITIES**

A city officer or employee may not accept any gift or free service that might tend to influence his or her official actions or impair his or her independence of judgment in the performance of duties of the city. See "Conflict of Interest" section below.

## **2.06 CONFLICT OF INTEREST**

An officer or employee of the city will neither have financial interests in the profits of any contract, service of other work performed for the city nor derive personal profit directly or indirectly from any contract, purchase, sale, of service between the city and any person or company.

An officer or employee may not:

- 1) solicit or accept or agree to accept a financial benefit, other than from the city, that might reasonably tend to influence his or her performance of duties for the city or that he or she knows or should know is offered with or compensation that might reasonably induce him or her to disclose confidential information acquired in the performance of official duties;
- 2) Accept outside employment that might reasonably tend to impair the independence of judgment in the performance of duties for the city;
- 3) Make any personal investment that might reasonably be expected to create a substantial conflict between the employee's private interest and duties for the city; or
- 4) Solicit or accept or agree to accept a financial benefit from another person in exchange for having performed duties as a city employee in favor of that person.

## **2.07 POLITICAL ACTIVITY**

Employees of the city are encouraged to vote and to exercise other prerogatives of citizenship consistent with federal law and these policies.

An employee may not:

- 1) Use his or her official authority or influence to interfere with or affect the result of an election or nomination for office; or
- 2) Directly or indirectly coerce, attempt to coerce, command or advise a local state officer or employee to pay, lend, or contribute anything of value to a party, committee, organization, agency, or person for a political purpose.

In addition, any city employee who is subject to the provisions of the federal Hatch Act may not be a candidate for elective office in a partisan election. (A partisan election is an election in which candidates are to be nominated or elected to represent a party whose candidates for presidential electors received votes in the last preceding election at which presidential electors were selected.) City employees are subject to this additional Hatch Act restriction if their principal employment is committed to an activity that is financed in whole or in part by loans or grants made by the Federal Government.

All City employees are prohibited from participating in any way in any political activity while wearing a city uniform, regardless of whether the employee is on duty or on his or her own time. In addition, no city-owned property, vehicle, building, and/or office may be used for displaying campaign materials or for conducting any partisan political activity except that the City Hall and other public buildings may be used for political gatherings relating to general party matters on local, state, district and national candidates, and shall be made available equally to any responsible political party or eligible candidate.

An employee's political activity, not in violation of this section, shall not be considered in determining his or her compensation, eligibility for promotion or demotion, work assignment, leave or travel request, or in applying any other employment practices to the employee.

## **2.08 COMMUNICATIONS**

From time to time, an employee may be given directions from persons outside the normal chain of command. In such cases, it is the employee's responsibility to notify his or her immediate supervisor about the direction, its purpose, and the relevant facts of the situation if the direction or question is other than routine. The supervisor will then pass the information up through the chain of command. Failure to do so in a timely manner may result in disciplinary action.

An employee may request that a matter be considered by the city council by submitting the item in writing to his or her supervisor. Such requests are subject to the approval of the City Manager.

Communication with the public about city issues or problems is the responsibility of the city manager. Employees are to refer the public to the City Manager if a question is non-routine, controversial, or outside of the scope of the employee's normal duties.

## **2.09 SOLICITATION OF FUNDS FOR CITY PROJECTS**

At times, projects may be undertaken whereby funds are solicited from private citizens, businesses, and organizations on behalf of the city. Before any solicitation of funds is begun, the department head must notify and receive the approval of the city manager. Participation on the part of any city employee in fundraising efforts on behalf of the city is strictly voluntary.

## **2.10 TELEPHONE USE**

Telephones are to be used for city business. It is understood that occasionally personal calls are necessary; however, the use of telephones for local personal calls is permitted only if the number and length of calls are kept to a minimum.

## **2.11 UNIFORM**

In the police, EMS, and public works departments, some employees are required to wear uniforms which are furnished by the city. In some departments, the employee is responsible for paying the maintenance costs in the departments, rented uniforms may be an option, in which cases the city may pay the rental and laundering costs. In all cases, employees must keep their uniforms neat and clean.

## **2.12 PURCHASING**

Purchases by city employees shall be made only as authorized by the department head city manager and shall be made in accordance with state purchasing laws as they apply to cities.

## **2.50 DEFINITIONS**

1) **DRUG:** Means and drug or substance as defined by section 1.02 of the Texas controlled Substances Act, including but not limited to marijuana, hashish, or hash oil, cocaine, LSD, heroin, opiates, opium, amphetamines, concentrated cannibals, or cannot, morphine or its derivatives, mescaline, peyote, phenomena (CPA, Angel Dust), methadone, qualities, exotic/disgorge "drugs, Benzedrine, second, codeine, barbiturates, phenol, or Valium. This includes legally obtainable drugs that have been obtained illegally.

2) DRUG TESTING: Two testing procedures will be used:

A) Initial test (screening): The initial assay of urine and blood specimens for the presence of specified drugs/drug metabolite levels.

B) Confirmation Test: A second procedure used to demonstrate the presence of specified drugs of abuse or use in given urine specimens. This test must be different in format and theory from that of the initial test procedure utilized. Gas chromatograph/mass spectrometer (GC/MS) is the currently acceptable procedure.

3) REASONABLE SUSPICION: There are several types of symptoms or circumstances that constitute sufficient justification for testing either in and of themselves or in combination with other symptoms or circumstances they are:

1) Absenteeism

2) Money problems

3) Reliable tips from co-workers or citizens

4) Accidents – Testing required for those involved in accidents with over \$200.00 property damage or reportable personnel injury.

5) Observation by two (2) or more reliable witnesses of physical symptoms or discovery of incriminating evidence. Testing is **REQUIRED** in this circumstance. A person testing positive will be dismissed from employment. Volunteers and job applicants testing positive will be eliminated from consideration for employment for six (6) months.

(Ordinance NO. 1990-11)

## 2.51 ENFORCEMENT

Applicants will be notified of the drug testing requirements of the physical examination on the application for employment or volunteer service and given the opportunity to withdraw their application with no record made of such applications prior to the test.

An applicant, employee, or volunteer must sign an informed consent and release of liability form in order to be tested. Any applicant, employee, or volunteer who fails or refuses to sign this form will be removed from employment or consideration for employment.

The City Secretary shall direct persons to be tested to the medical facility. The drug test must be undertaken as soon as possible after notification, and in no event later than forty-eight (48) hours after notice to the person to be tested.

Persons to be tested shall be advised before the initial drug test of the opportunity to submit medical documentation that may support a legitimate use for a specific drug and that such information will be reviewed by the physician at the selected facility to determine whether the individual is strictly using an otherwise illegal drug.

Persons to be tested shall be permitted to provide urine specimens in private, and in a restroom stall or similar enclosure so that they are not observed while providing the same. Collection site personnel of the same gender as the individual being tested, however, may observe the individual has attempted to alter or substitute the sample being provided. Collection site personnel may have reason to believe that a particular individual may alter or substitute the specimen to be provided when:

a) The individual has previously tampered with a sample; or

b) Facts and circumstances suggest that the individual

1) Is under the influence of drugs at the time of the test; or

2) Has equipment or implements capable of tampering with or altering samples; or

c) The specimen

1) Has a temperature outside the range of 32.5°C – 37.7° C (90.5°F – 99.8°F); or shows signs of contamination.

All information from an applicant's drug test is confidential and only those City Employees with a need to know, as determined by the City Manager, are to be informed of test results. The results of a positive drug test shall not be released until the results are confirmed positive test results and negative test results shall be destroyed by the testing laboratory. Those specimens that are confirmed as positive will be stored., frozen, and secured by the testing laboratory for at least one (1) year.

(Ordinance NO. 1990-11)

## **3.00 HIRING PRACTICES**

### **3.01 METHODS OF RECRUITMENT AND SELECTION**

The city has three methods of recruiting and selecting persons to fill vacancies:

- 1) Promotion from within;
- 2) Lateral transfer from within; and
- 3) Public announcement and competitive consideration of applications for employment.

If two or more applicants have substantially equal qualifications, and one is a current city employee, the current city employee will be given preference over the other applicant(s). The city does not accept applications for employment unless a specific vacancy exists. Persons wishing to apply for a job with the city when a specific vacancy does not exist are informed of the manner of advertising city job announcements and that they may return and file an application at any time an advertised vacancy exists for which they consider themselves to be qualified.

### **3.02 POSITION ANNOUNCEMENTS**

Public announcements of position openings at the city, for which there will be competitive consideration, are disseminated by the city secretary's office in the manner most appropriate for the particular position being filled, as determined by the city manager. Department heads wanting to fill job vacancies within their departments must submit relevant information about the position to the city secretary, who ensures that job opening announcements are made public through publication in the local newspaper and/or posts at city hall.

Current employees will be permitted to apply for positions for which they believe themselves to be qualified. A city employee can transfer to another city position without loss of pay if his or her current pay is within the limits set by the city council for the transfer position.

The length of time during which applications will be accepted will be determined by the department head or city manager in accordance with the circumstances that exist at the time.

### **3.03 QUALIFICATIONS**

The city maintains a job (class) discus which establishes the required knowledge, skills, and abilities for each staff position and the acceptable levels of experience and training for each. The job description sets forth the minimum acceptable qualifications required to fill the position.

### **3.04 SELECTION**

In accordance with the city charter, the city council appoints and may remove the city manager, city attorney, and municipal judge. Except for appointments reserved to the city council by statute, ordinance, or charter, the city manager, the city council by statute, ordinance, or charter, the city manager has exclusive authority to select and employ all city employees. The City Manager may authorize department heads to appoint and remove employees within their departments, subject to approval by the manager.

Neither the council nor any of its members shall in any manner dictate the appointment or removal of any city employees whom the city manager or any of his or her subordinates is authorized to appoint.

Vacancies on the city staff are filled, by promotion or by initial appointment, on the basis of merit as demonstrated by education, experience, and personal interview. Selections of the best-qualified persons are made only on the basis of

occupational qualifications and job-related factors such as skill, knowledge, education, experience, and ability to perform the specific job. Political affiliation of personal relationships with employees or members of the city council, with others connected with the city, will not be a factor in the selection, appointment, or length of tenure of employees of the city.

**3.05 AGE REQUIREMENTS**

Persons under 16 years of age will not be employed in any full-time regular position. Persons under 18 years of age will not be hired in any hazardous occupation. Any prospective city employees under 18 years old must have written permission (signed Minor’s Release Form) from his or her lawful parent or guardian on file in the city’s payroll office prior to the first day of employment.

Other age limitations will be applied only as required by state or federal law applicable to the city.

**3.06 APPLICATION OF EMPLOYMENT**

Each person desiring employment with the city must, before employment, fill out the city’s official application form and submit other pertinent information regarding training and experience. The city will make appropriate inquiries to verify the education, experience, character, and required certificates and skills of an applicant prior to appointment. In case of applicants for positions that require driving a vehicle, the city will check the prospective employee’s driving record prior to offering the applicant employment.

**3.07 EMPLOYMENT OF RELATIVES (NEPOTISM)**

Nepotism is the showing of favoritism toward a relative. The practice of nepotism in hiring personnel or awarding contracts is forbidden by the city.

No person may be hired who is related within the second degree by affinity (marriage) or within the third degree by consanguinity (blood) to any member of the city council, or city manager, or department head within that department. No person may continue in city employment who is related to one of the prohibited degrees unless the employee has been employed continuously by the city for a period of:

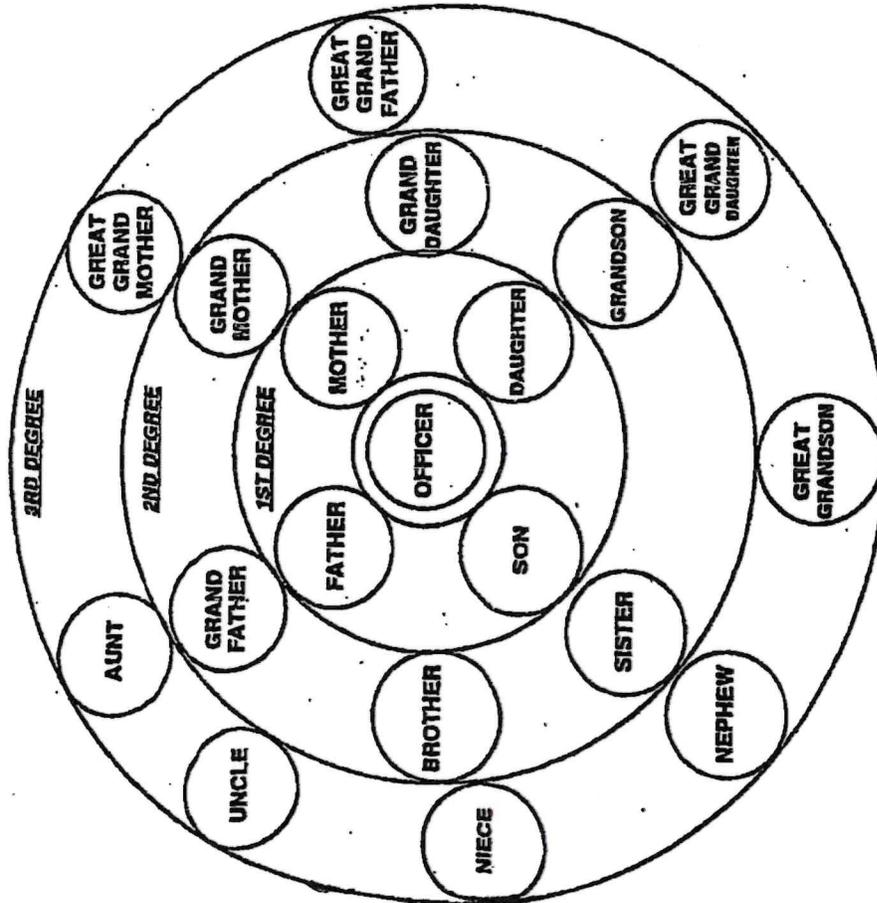
- 1) At least 30 days, if the officer or member is appointed;
- 2) At least six months, if the officer or member is elected at an election other than the general election for state and city officers; or
- 3) At least one year, if the officer or member is elected at the general election for state and city officers.

In addition, no personnel action will be taken that would result in any employee supervising another employee who is related within the second degree of affinity or the third degree of consanguinity to the supervisory employee.

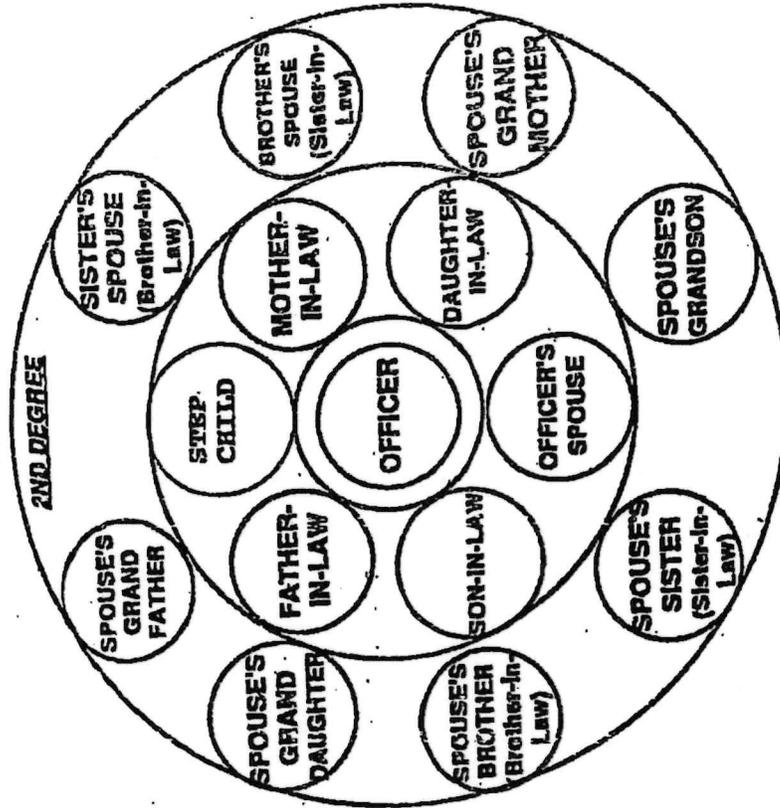
CONSANGUINITY KINSHIP CHART	AFFINITY KINSHIP CHART
Figure 1	Figure 2

\*Spouses of relatives within the first or second degree of consanguinity (i.e. son-in-law, mother-in-law, aunt-in-law, nephews-in-law, act.) are also included in the prohibition.

# NEPOTISM



Consanguinity Kinship Chart  
(Blood)



Affinity Kinship Chart  
(Marriage)



### **3.08 TESTING**

Except for drug testing all applicant's psychological tests for certified police and any other tests that may be required by state law, the only performance tests administered are for employment capable, or specifically job-related ("piece-of-the-job") tests (e.g., operating equipment, lifting something heavy required in the job, tabulating column of numbers, writing samples).

### **3.09 PHYSICAL STANDARDS**

Knowledge of physical conditions and existing health problems of employees is necessary to avoid occupational injuries and to ensure that it will be possible to differentiate any future job-related injuries from existing medical problems. For these reasons, a person is required to pass a job fitness evaluation prior to employment and will not be placed on the City payroll until he or she has passed the evaluation. Back X-rays or back stress are required for persons who will perform physical labor.

In conjunction with the City's commitment to provide a drug-free work environment for its employees, the city requires all prospective employees for regular, full-time positions with the city's choice declared in writing by the physician to show no trace of drug dependency or compliance with the City's Drug Testing Policy.

In addition, prospective new employees for active or reserve police officer certification must undergo an examination by a licensed psychologist or psychiatrist and be declared in writing psychologically and emotionally healthy. The required examinations will be made by a physician and psychologist or psychiatrist of the city's choice and will be paid for by the city.

### **3.10 VERIFICATION OF ELIGIBILITY TO WORK**

In order to comply with the Immigration Reform and Control Act of 1986, each new employee will be required to complete and sign an INS Form I-9 within three days of his or her first day of employment to provide proof of his or her identity and employment eligibility.

### **3.11 DRIVING RECORD**

Every city employee who is required to drive a vehicle or operate a piece of equipment that requires a valid driver's license must maintain a safe driving record, in accordance with the City of Sinton Driving Policy. For this reason, the city will check a prospective employee's driving record prior to offering the applicant employment in a capacity that requires the operation of a vehicle or piece of equipment. Suspension of the required driver's license may result in termination.

### **3.12 DISQUALIFICATIONS**

An applicant is disqualified from employment by the city if he or she:

- 1) Does not meet the minimum qualifications for performance of the duties of the position involved;
- 2) Knowingly made a false statement on the application form;
- 3) Has committed fraud during the selection process;
- 4) Is not legally permitted to hold the position;
- 5) Has offered or attempted to offer money, service, or any other thing of value to secure an advantage in the selection process;
- 6) Does not meet physical requirements as a result of the required job fitness evaluation and no reasonable job accommodation can be made; or

7) Had not provided proof of citizenship or legal work status in the United States within the first three days of employment.

### **3.13 PRIOR SERVICE WITH THE CITY**

Employees entering service with the city may be considered for appointment above the customary entry salary level. A break in continuous service with the city, however, forfeits vacation and sick benefits accrued prior to the break.

### **3.14 PLACEMENT ON CITY PAYROLL**

New employees, accompanied by a supervisor must report to the city secretary before or during their first day of employment to fill out employment forms and be scheduled for new employee orientation.

### **3.15 ORIENTATION AND TRAINING**

Before an individual begins performing his or her actual duties, he or she will be given a brief orientation by the supervisor for whom he or she will be working or by that person's designated representative. The purpose of the session is to enable a new employee to understand better his or her job and its relationship of the job to the overall operation of the city. The orientation includes but is not limited to, items on the Employment Orientation for the City Secretary's Checklist.

During the orientation, employees are given a copy of the Personnel Policies manual to read within two weeks, be informed of its continued availability to them and the reference locations, and are given information about the city's benefit programs.

Training an employee is the responsibility of the supervisor for whom the employee works. Whenever possible, employees receive on-the-job training under close supervision.

## 4.00 TYPES OF EMPLOYMENT

### 4.01 EMPLOYMENT AT WILL

Employment with the City of Sinton is “at will.” Employment can be terminated by either party, at any time, and for any reason. This includes termination with or without cause, and with or without notice.

Any oral statements, promises, or assurances to the contrary are not binding on the City of Sinton and should not be relied upon by the employee or job applicant. If you believe such assurances have been made, contact the City Manager’s office for confirmation. The City of Sinton is not responsible for, and will not be bound by, any statements that are not reaffirmed in writing by the City Manager.

Statements in the employment application, or in this handbook, training manual, or other county documents, do not constitute or imply an employment contract and should not be relied upon by the employee or job applicant under any circumstances as assuring continued employment or superseding the City’s “at-will” employment policy.

### 4.02 CATEGORIES

There are four categories of employment with the city:

**Regular Full Time:** A regular full-time employee is appointed to an authorized position that involves, on average, 40 work hours per week and that is expected to last at least six months. Regular full-time employees may be either hourly or salaried employees.

**Regular Full Time:** A regular full-time employee is appointed to an authorized position that involves 20 or more hours per week and that is expected to last at least six months. Part-time employees are paid on an hourly basis.

**Temporary Full Time:** A temporary full-time employee is an employee hired to work an average of less than 40 hours a week on a temporary basis. Part-time employees are paid on an hourly basis.

See Benefits chapter of these policies for details of benefits available to each category period.

### 4.03 INTRODUCTORY PERIOD

All new regular employees serve a six-month introductory period and all newly promoted regular employees also serve an introductory period.

The introductory period gives a new employee the opportunity to learn the requirements of his or her new job and it gives the supervisor an opportunity to evaluate the new employee’s work, to secure the most effective adjustment of a new employee to the position, and to recommend dismissal of any employee whose performance does not meet the required work standards.

During the introductory period, an employee’s work, ability to perform the duties satisfactorily, attitude, habits, and dependability are observed.

At the end of the introductory period, an employee’s performance is reviewed verbally and in writing by the supervisor. If the employee receives a satisfactory performance evaluation, he or she has successfully completed the introductory period.

At any time during the introductory period, the city manager may dismiss a new employee if, in his or her opinion, the employee is either unable or unwilling to perform the duties; or if the employee’s dependability does not merit

continuance of employment; or for other reasons as provided elsewhere in these policies. In the event that the employee is terminated during this period, he or she will not be paid for any accumulated leave.

See Separations chapter of these policies for additional details. If an employee is terminated during the introductory period, they do not have a right to appeal.

## **5.00 EMPLOYEE COMPENSATION AND ADVANCEMENT**

### **5.01 PAY**

Pay for city employees is set each year by the City Council in the adopted city operating Budget. Rules governing pay increases also are established by the city council.

### **5.02 PAYDAYS**

Hourly employees will be paid every two weeks or 26 pay periods per year. The work period ends on Tuesday with payday on Friday. Monthly employees are paid on the 15<sup>th</sup> and the last day of the month. If payday falls on a holiday or weekend, payday will be the last working day before the holiday(s) or weekend. It is the policy of the city that no paychecks are handed out early.

### **5.03 CHECK DELIVERY**

Paychecks will not be issued other than on the days set above.

Each department head, or someone authorized by the department head to do so in his or her absence, is responsible for picking up the paychecks for employees in that department from the city payroll office on paydays. Paychecks are distributed to individual employees within each department. Only the employee himself or herself, or someone designated in writing by the employee, may receive the check in person.

No salary advances or loans against future salary will be made to any employee for any reason.

An employee must bring any discrepancy in a paycheck (such as overpayment, underpayment, or incorrect payroll deductions) to the city's attention.

### **5.04 PAYROLL DEDUCTIONS**

Any deductions must be approved and authorized by the city council. Deductions will be made from each employee's pay for the following:

- Federal Social Security;
- Federal Income Taxes;
- Court-ordered child support;
- Texas Municipal Retirement System contributions (for regular full-time employees.);
- Any other deductions required by law.

In accordance with policies and general procedures approved by the city council, deductions from an employee's pay may be authorized by the employee for:

- The portion not paid by the city of group health/medical premiums for the employee or dependents; and
- Such other deductions as may be authorized by the city council.

If there is a change in the employee's family status, address, or other factor affecting his or her payroll withholding or benefits status, the employee is responsible for obtaining, completing, and returning to the payroll office the appropriate forms for communicating these changes.

#### **5.05 MERIT INCREASES**

Merit increases are not used to recognize increased duties and responsibilities (a promotion) and are granted without regard to cost-of-living factors or longevity. Merit increases recognize outstanding performance and thus are granted in conjunction with the supervisor's recommendation and a performance evaluation of the employee, the results of which are one factor used in merit pay decisions.

#### **5.06 COST-OF-LIVING ADJUSTMENT**

In any year during budget deliberations for the forthcoming year, the city council may set aside funds and authorize an across-the-board pay increase. If an across-the-board or blanket cost-of-living pay increase is approved, the increase will be in the form of a percentage rather than a flat dollar amount. When this is done, each salary amount on the pay schedule and each individual employee's salary are adjusted by the authorized percentage increase.

#### **5.07 CLASSIFICATION PLAN**

The city maintains a classification plan that assigns each class of positions to a pay group based on the principle of equity among positions requiring similar knowledge, skills, and abilities and having similar levels of responsibility.

#### **5.08 PAY PLAN**

Pay ranges for each group are established by a pay plan which is approved by the city council.

#### **5.09 PAY GROUP AND STEPS**

Within the general guidelines of the pay plan and the budget, the city council is authorized to determine the appropriate pay group to which each position is allocated and the pay to which the particular employee is assigned. An employee who is designated exempt from the pay plan is paid within the maximums set in a budget approved by the city council.

#### **5.10 PROMOTIONS**

A promotion is a change in the duty assignment of an employee which results in advancement to a higher position requiring higher qualifications and involving greater responsibility.

Promotions are approved by the city manager within the staffing pattern and budget limits approved by the city council.

Upon promotion, an employee serves an introductory period of six months in the new position and may be returned to a lower position at any time during the introductory period if performance is inadequate as documented by the department head and attested by the city manager.

#### **5.11 LATERAL TRANSFERS**

A lateral transfer is the movement of an employee between positions in the same pay range within the city. Lateral transfers may be made within the same department or between departments and are subject to the 6-month introductory period.

## **5.12 DEMOTIONS**

A demotion is a change in duty assignment of an employee to a lower-paid position. Demotions may be made for

- the purpose of voluntary assumption of a less responsible position;
- as a result of a reclassification of the employee's position; or
- as a disciplinary measure, because of unsatisfactory performance in a higher position.

Disciplinary demotions always involve a decrease in pay.

## **5.13 PAY REDUCTION FOR DISCIPLINARY REASONS**

An employee's pay for continued performance in the same position may be reduced, as a disciplinary measure, to a lower rate. The period covered by this type of disciplinary action may not exceed 60 days. See the chapter on these policies on Discipline for information about suspension with or without pay for disciplinary reasons.

## **5.14 APPROVING AUTHORITY**

The city manager is the approving authority for all payrolls and payroll transfers granted under the terms of:

- 1) These policies
- 2) The classification and pay plans
- 3) The annual budget.

## **5.15 LONGEVITY PAY**

Every full-time regular employee will receive longevity pay after one full year of employment with the City. The rate of pay will be \$3.00 per month multiplied by the number of years of service.

## **6.00 WORK SCHEDULE AND TIME REPORTING**

### **6.01 ADMINISTRATIVE WORKWEEK OR WORK PERIOD – MOST DEPARTMENTS**

The official work period for employees in the city department for which separate work periods are not established, either elsewhere in these policies or in written memorandum form approved by the city manager is a seven-day period beginning at 5:01 p.m. on Tuesday and ending at 5:00 p.m. on the following Tuesday.

Normal working hours are Monday through Friday, 8:00 a.m. to 5:00 p.m. with one hour for lunch, for a total of 40 hours per workweek. Morning and afternoon breaks of 15 minutes each are available to each employee, but this time does not accumulate if not taken.

All city employees are expected to report punctually for duty at the beginning of their assigned workdays and to work the full workdays established.

Other hours of work and official work periods for individuals or groups of employees may be set by the department head with the approval of the city manager.

### **6.02 WORK PERIOD AND SCHEDULES – POLICE**

Police officer work periods and work schedules. The police chief, in consultation with the city manager, sets the work schedule every four weeks for police personnel and notifies them in writing of their work schedule assignments.

In accordance with the exception allowable under Section 207(K) of the Fair Labor Standards Act (FLSA), the city has established a flowing work period for its police officers.

The official work period for police officers consists of 14 days with each shift consisting of eight scheduled work hours per day:

- 8:00 a.m. – 4:00 p.m. for day shift;
- 4:00 p.m. – 12:00 a.m. for evening shift; and
- 12:00 a.m. – 8:00 a.m. for night shift.

reports for duty 30 minutes before the beginning of the shift. Each officer will have a 30-minute meal break and two 15-minute coffee breaks.

Meal Times. Each officer on each shift is given 30 minutes for a meal during the shift. During meal time, the officers are required to be in their vehicles or to remain in contact with the department; therefore, the meal break counts as “hours worked” under FLSA.

Regular Hourly Rate. Each officer’s regular hourly rate for the purpose of computing the time and one-half overtime pay rate is based on 86 working hours per 14-day work period, and time and one-half overtime compensation will commence with the 86<sup>th</sup> hour worked in a 14-day period.

Legal Reference: U.S. FLSA of 1938, as amended. For the purposes of operations under the Fair Labor Standards Act, the City of Sinton is declaring the 207(K) exemption for Police. Work Periods of Police Officers will consist of 14 days.

### **6.03 SCHEDULE ADJUSTMENTS**

Adjustments to the normal hours of operations of city facilities or departments may be made by the city manager in order to serve the public better. Offices may be required to remain open during the noon hour, and lunch periods for some employees may be staggered according to the requirements of the city. Depending upon the personnel available,

the police chief, in consultation with the city manager, may establish different work schedules for their personnel for temporary periods of time until the personnel shortage has been eliminated.

#### **6.04 NUMBER OF HOURS WORKED**

The city manager determines the number of hours worked by an employee for the compensation to be received subject to laws governing pay and working hours and to the provisions of the city's budget.

#### **6.05 OVERTIME WORKED**

The policy of the city is to keep overtime to a minimum. However, employees may be required to provide services in addition to normal hours or on weekends or holidays. Overtime is defined as hours worked in excess of the allowable number of hours under the Fair Labor Standards Act (FLSA). In the city, this is 40 hours per seven-day worksheet for all hourly paid personnel.

#### **6.06 EXEMPTIONS FROM FLSA (OVERTIME COMPENSATION)**

Department heads and other executive, administrative, and professional employees are exempt from the overtime provisions of the Fair Labor Standards Act (FLSA) and are expected to render necessary and reasonable overtime services with no additional compensation. The salaries of these positions are established with this assumption in mind.

Employees engaged in seasonal activities (such as the city's swimming pool and any other recreational activities that do not operate for more than seven months in any calendar year and satisfy the other prerequisites under FLSA) are exempted from the minimum wage and overtime provisions of the FLSA as recreational, seasonal employees.

Each city job description designates whether persons hired in that classification are exempt from or covered by (nonexempt) the overtime provisions of the FLSA. Extra hours worked by executive, administrative, and professional employees may be used as a factor in granting or denying paid leave other than vacation or sick leave.

#### **6.07 OVERTIME COMPENSATION**

Nonexempt employees are compensated for overtime by being given (listed in order of the city's policy preferences):

- 1) Week time off within the same work period (one week for most employees and 28 days for police officers)
- 2) Compensation time off at one and one-half times the number of hours worked, up to the maximum number of hours which may be accrued, or
- 3) If specifically authorized by the department head and approved by the city manager, payment will be made at the rate of one and one-half times the employee's regular hourly rate.

#### **6.08 COMPENSATORY TIME**

As a general rule, no more than 60 hours of compensatory time (representing 40 overtime hours worked) should be allowed to accumulate for non-police employees; and no more than 90 hours (representing approximately 60 hours worked) for police employees, without the express written consent of the city manager; and any compensatory time accrued must be used or paid within 120 days of the date it was earned.

In any event, the maximum compensatory time accrual allowed for employees whose work involves public safety, emergency response, or seasonal work is 480 hours (320 hours of overtime worked); for all other employees, the maximum is 240 hours (160 overtime hours).

Use of compensatory time will reduce accrued balances in the order that the leave time was accrued (leave accrued first is used first). If not used during that time period, the compensatory time (which was entered and carried on the employee's records at one and one-half times the number of hours worked) will be paid at the employee's regular, straight-time rate to pay for the total number of hours on the employee's compensatory time record. (Since the compensatory time was recorded at one and one-half times the number of hours worked, the straight-time payment for these hours is equivalent to time and one-half pay hours actually worked.) It is preferable for the supervisor and employee to schedule the use of compensatory time off within the same pay period or work period in which the overtime was worked.

#### **6.09 HOLIDAYS WORKED**

The city's basic policy is that each regular employee receives a specified number of paid holidays per year, as set forth in this manual. In most instances, if a regular employee is required to work on a scheduled holiday, he or she will be given an alternate day off, preferably within the same work week or work period. (See "Work During Holidays" Section for a more detailed discussion of this policy.)

An employee subject to the overtime provisions of F.L.S.A. who is required to work a full forty (40) hours during a week in which he or she takes a paid holiday will receive straight-time compensation considered as time worked for the purposes of determining when an employee has reached his or her maximum allowable hours (Forty (40) per week for non-law enforcement; 160 hours per 28-day work period for police officers) without being subject to overtime pay.

#### **6.10 LEAVE OR HOLIDAYS TAKEN AND OVERTIME**

If a full-time employee who is subject to the overtime provisions of F.L.S.A. is required to work extra hours during a work week in which he or she has used sick leave or any other type of released time (including holiday time off), the employee will be given either hour-for-hour time off or pay for the extra hours at the employee's regular straight-time rate of pay. However, the extra hours worked are compensated (through compensatory time or through pay) at one and one-half times the regular rate of pay for the number of extra hours worked which were not offset by the leave time hours taken. (See the Holidays chapter of these policies for benefits allowable in "around-the-clock" departments when a holiday falls on a non-workday.)

#### **6.11 TIME REPORTING**

Employees must keep records of all hours worked and released time taken and, where appropriate, hours credited to particular projects. Forms for this purpose are provided by the City.

Time records must be signed by the employee and by the employee's immediate supervisor. It is recommended that these forms be filled out after each day's work in order to maintain an accurate and comprehensive record of the actual time spent on the job or on particular projects.

Each department head is responsible for ensuring that all hours worked and leave time taken are reported on the time sheets sent to the payroll office as well as being recorded on the individual department's records.

#### **6.12 "ON CALL" TIME**

The vital nature of certain city services requires that some employees be available in an "on call" status in the evenings and over holidays and weekends to ensure the continuity of those vital services. Employees on "on call" status will be compensated in the manner specified in their department's "ON CALL POLICY".

(This policy assumes that employees in “on call” status have beepers which allow them substantial flexibility during the “on call” hours in that they report into a specific telephone number at which they can be reached for the next designated period of time).

### **6.13 SLEEP TIME COMPUTATION**

A) General. Where an employee is required to be on duty for 24 hours or more the City of Sinton will consider eight (8) hours; from the time of 10:00 pm to 6:00 am, as a bona fide regularly scheduled sleeping period.

B) The maximum of eight (8) will be compensated at straight time but will not be included in hours worked when calculating overtime.

C) An employee must get at least five (5) hours of sleep during this time. The five (5) hours need not be consecutive.

D) Any calls during the sleeping period must be documented as to date and time and included with your time card.

E) If the sleeping period is interrupted by a call to duty, the interruption will be counted as hours worked and used for calculating overtime.

F) All calls during the sleeping period will be verified by the supervisor through dispatch logs.

(Resolution #20160920)

## **7.00 BENEFITS**

### **7.01 MEDICAL AND LIFE INSURANCE**

Regular full-time employees of the city are eligible for group hospitalization, medical, and life insurance coverage thirty (30) days after the date of employment with the city. Premiums for full-time employees are paid in full by the city.

Eligible employees may add dependent coverage at a percentage of the employee's expense, which will be deducted from each paycheck. Upon employment, each employee who is expected to become eligible for insurance coverage is given an insurance booklet containing detailed information about the city's insurance programs and a section on Continuation of Group Insurance for information on continued coverage after certain status changes.

The City of Sinton will pay one hundred dollars (\$100) for dependent health coverage per month or an Employee may opt up to better coverage if available with the City's Medical Health Insurance Plan. (Ordinance #1998-10)

### **7.02 SOCIAL SECURITY**

All regular full-time employees of the city are covered by social security. The city also contributes to the social security system for each employee.

### **7.03 PENSION PLAN**

The city is a member of the Texas Municipal Retirement System (T.M.R.S.), a non-traditional joint contributory, defined contribution plan. Membership in the retirement system is mandatory for all regular full-time employees (defined by T.M.R.S. as an employee who works in excess of 1,000 hours per year). Both the employee and the city contribute to the employee's retirement account. Employees who leave city employment prior to retirement will, after filing a request with T.M.R.S., be refunded their portion of the retirement account plus interest earned on their portion expectancy at the time of retirement, the amount in the employee's account, the future interest rate assumption as set by law, and which of the benefit payment plans the employee selects. Each available new employee receives a brochure about the City's specific retirement coverage and options under T.M.R.S. at the time of employment.

Additional information about retirement is contained in the Separations chapter of these policies.

### **7.04 WORKER'S COMPENSATION**

All employees of the City are covered by the worker's compensation insurance program, and the City pays the premium. This coverage provides medical and salary continuation payments to employees who receive bona fide, on-the-job, work-related injuries. Detailed information about worker's compensation benefits is found in the section of this manual under the main heading Health and Safety.

### **7.05 UNEMPLOYMENT INSURANCE AND RETIREE'S HEALTH INSURANCE**

All Regulars of the City are covered under the Texas Unemployment Compensation Insurance Program, and the City pays for this benefit. This program provides payments for unemployed workers under certain circumstances.

The City of Sinton will pay full-time Retiree's Medical Health Insurance. The City Retiree must have at least twenty-five (25) years of credit service with the Texas Municipal Retirement System (TMRS), with all twenty-five years being

continuous with the City of Sinton and who will be drawing a retirement check from TMRS. This policy will go into effect with the passing of this ordinance and will be retroactive for employees who are employed with the City at this time. (Ordinance #2008-01)

#### **7.06 LEAVE TIME**

Regular full-time City Employees are eligible for holidays, vacation leave, sick leave, and other types of leave time under certain circumstances. Detailed information about leave and other types of leave time is found in the sections of this manual under the main headings Leave Time and Holidays.

## 8.00 LEAVE TIME

### 8.01 DEFINITIONS

Leave Time: Leave time is during normal working hours in which an employee does not engage on the performance of job duties. Leave time may be either paid or unpaid.

Holidays: Holidays are days designated by the City Council when City Offices are closed on what otherwise would be regular business days.

Unauthorized Absences: An unauthorized absence is one in which the employee is absent from regular duty without permission from his or her supervisor or department head. Employees are not paid for unauthorized absences and such absences are cause for disciplinary action.

### 8.02 APPROVAL OF LEAVE

All leave taken by City employees must be approved by the employee's department head. Copies of signed leave forms are sent to the payroll office for recording on the central leave records. Payroll records are verified against these leave records.

Department heads are responsible for determining that leave has been accrued and is available for use in the amounts requested by an employee. In addition, department heads are responsible for ensuring that all vacation and sick leave usage is recorded on the timesheet sent to the payroll office for payroll purposes.

### 8.03 VACATION LEAVE

All regular full-time City employees who work at least forty (40) hours per week are eligible to accrue paid vacation leave. Employees are encouraged to take regular vacations at least annually.

A new employee is not eligible for vacation leave benefits during his or her introductory period.

After completion of the introductory period, 20 hours of vacation are credited to the employee's account. Vacation leave will not be paid upon separation during the introductory period.

Regular, full-time employees earn vacation leave as follows:

Length of Service	Vacation Allowed	Maximum Accumulated Vacation Leave
1 <sup>st</sup> year	5 days	5 days
2 <sup>nd</sup> & 3 <sup>rd</sup> year	10 days	20 days
4 <sup>th</sup> – 9 <sup>th</sup> year	12 days	24 days
10 <sup>th</sup> – 19 <sup>th</sup> year	15 days	30 days
20 <sup>th</sup> year and over	20 days	30 days

Accumulation of Vacation Leave: Employees are encouraged to use their accrued vacation leave each year as it is earned. Unused vacation leave of no more than two times the hours earned in the current year can be carried over to the next fiscal year.

The maximum allowable accumulation of unused vacation leave of the number of hours that the employees would accumulate in twenty-four months at any vacation leave balance in excess of these maximums is reduced to the maximums without compensation.

Payment for Unused Vacation Leave: If an Employee takes at least Five Vacation Days each year, he or she may be paid for the balance earned that Year. When an employee leaves the service of the City, he or she will be paid for accrued but unused vacation leave not to exceed the maximum amount he or she normally would accrue two years of employment. The rate of pay will be determined by the salary rate in effect at the time of termination.

Scheduling Vacation Leave: Supervisors should encourage their employees to schedule vacations and request leave well in advance, provided departmental workloads will permit, employees should be allowed to select their desired vacation periods. If there is a conflict in vacation schedules involving two or more employees, employees are granted their preference on a "first come, first serve" basis. If two requests are received at approximately the same time and cover the same requested vacation period, the employees will be granted their preference in accordance with their seniority. If the desired leave schedules conflict with city requirements, the city's requirements are given first consideration.

#### **8.04 COMPENSATORY LEAVE**

See the section of this manual under the main heading Work Schedule and Time Reporting, specifically the section on "Overtime Compensation" for information about earning compensatory time and using compensatory time and using compensatory leave credits.

#### **8.05 SICK LEAVE**

An employee with accrued sick leave may use it if the employee is absent from work due to:

- 1) Personal illness or physical or mental incapacity;
- 2) Medical or optical examinations or treatments;
- 3) Medical quarantine resulting from exposure to a contagious disease;
- 4) Illness of a member of the employee's immediate family who requires the employee's personal care and attention. For this purpose, immediate family is defined as the relative who resides in the employee's household.

Accrual of Sick Leave: Regular full-time employees, are entitled to paid sick leave, based upon accrual of one (1) day per month.

Use of Sick Leave: Accrued sick leave can be used by regular full-time or eligible part-time employees only after completion of the employee's first six months of employment. If an employee is absent with permission because of illness during the first six (6) months of employment, the missed number of hour's pay will be subtracted from the employee's regular pay before a paycheck is issued.

Notification Requirements: Approval of sick leave for non-emergency medical, dental, and optical appointments must be secured at least one day in advance. In all the instances of use of sick leave, the employee must notify his or her supervisor or departments may require earlier advance notification. The employee also must call the supervisor each subsequent day he or she will be out on sick leave unless other arrangements are made.

Failure to provide the required notice may result in the employee being placed on leave without pay status and could result in disciplinary action against the employee. Employees are expected to return to work as soon as their reason for leaving has been accomplished.

Regular, full-time, and part-time employees are charged with one hour of sick leave for each full hour they are absent on approved sick leave.

Excessive use of sick leave without adequate justification is cause for disciplinary action, including dismissal.

Medical Statement: A department head or the city manager may request an employee to furnish, and the employee must provide upon written verification by a physician of medical disability precluding availability for duty at any time that sick leave benefits are requested.

Accumulation of Sick Leave: Sick leave not used by regular employees during the year in which it accrues accumulates and is available for use in succeeding years.

Exhaustion of Sick Leave: An employee who has exhausted earned sick benefits may request to use accumulated vacation or other paid leave or may request leave of absence without pay. No advance of unearned sick leave benefits will be made for any reason.

Illness While on Vacation Leave: When an illness or physical incapacity occurs during the time an employee is on vacation leave, accrued sick leave may be granted to cover the period of illness or incapacity, and the charge against vacation leave is reduced accordingly.

Application for such substitution must be supported by a medical certificate or acceptable evidence if requested.

Cancellation Upon Termination: Unused sick leave is canceled upon termination of employment without compensation to the employee.

Payment Upon Retirement: Upon reaching retirement, an employee may either receive monetary value or early retirement for one hundred sixty (160) hours or one-fourth (1/4) of the amount of his or her accumulated sick leave, whichever is less.

#### **8.06 EXTENDED LEAVE FOR ILLNESS OR TEMPORARY DISABILITY**

This section applies to illness or temporary disabilities that are not related to getting hurt on the job or work-related injuries.

Please See the Manual under the heading "Health and Safety" for information on absences resulting from those types of injuries.

Paid Leave: Upon written approval of the employee's supervisor or department head, an employee may use accrued sick leave and vacation leave for the purpose of paid absence from duty during an extended illness or temporary disability.

Unpaid Leave of Absence: An employee may be granted an unpaid leave of absence for the purpose of recovery from an extended illness or temporary disability only after exhaustion of all accrued sick and vacation leave and upon written approval of the city manager. During an unpaid leave of absence, an employee accrues no additional vacation leave or sick leave but retains previously accrued leave and benefit balances and seniority, subject to terms or provisions of benefits programs.

The Family Medical Leave Act: Eligibility: To be eligible for leave under this act an employee must have worked for the city for at least twelve (12) months. An employee may take up to twelve (12) weeks unpaid leave for the following reasons:

- a) Birth of a child of the employee;
- b) Having a child placed in the care of the employee for adoption or foster care;
- c) To care for a spouse, child, or parent of an employee who has a serious health condition;
- d) Because of a serious health condition that renders the employee unable to perform his or her job.

Benefits: Health insurance benefits for the employee which are paid for by the City, will remain in effect for the term of the leave. Health insurance benefits for the employee's dependents must be paid by the employee. The employee will retain all benefits accrued prior to leave but will not accrue further benefits while on leave.

Intermittent Leave: An employee is entitled to intermittent leave or reduced schedule leave when a serious health condition of an employee or family member of the employee renders this type of leave "Medically Necessary."

Notice: If the leave is for the placement of a child or a planned medical treatment the employee will give the City thirty (30) days prior notice if at all possible. If leave is taken under emergency conditions as much notice as is practicable will be given to the City.

Certifications: Leave request under this act, if for medical reasons, must have certification by a Doctor supporting the request. If leave is taken by the employee for his or her medical condition they must also have certification by a doctor that they may return to full employment in the job they held prior to leave.

Relationships to Paid Leave: An employee is not required to, but may elect to, use all other paid leave prior to taking unpaid leave under this act.

Pregnancy: Pregnancy is treated in the same manner as any other extended illness or temporary disability.

Conditions: A department head or the city manager may require an employee requesting a paid or unpaid leave of absence for extended illness or temporary disability to provide a medical doctor's statement as to the date upon which the employee is no longer able to perform his or her duties and the expected length of the recuperation period as well as a written statement from the employee concerning his or her intentions about returning to work at the city.

Reporting Requirements: An employee on extended leave for illness must contact the appropriate city supervisor at least once each week to report on his or her condition. Failure to provide required medical status reports or to contact the office on the schedule required by the city is grounds for revoking the leave and for taking disciplinary action.

Maximum Length of Time: The length of time approved for this type of leave will depend upon the nature of the illness or disability and expected recuperation period, the employee's length of service with the city and past attendance record, the department's needs, and prospect for temporary replacement of the employee or reassignment of the employee's duties. In any case, the leave of absence may not exceed six months.

Documentation: A summary of the basis for the decision to grant or deny paid or unpaid leave of absence and the terms of the leave will be prepared by the city manager or his or her designee and placed in the employee's personnel file.

## **8.07 MILITARY LEAVE**

Regular employees who are members of the State Military Forces or members of any of the Reserve Components of the United States are entitled to leave of absence from their duties, without loss of time or efficiency rating, vacation time, or salary without loss of time or efficiency rating, vacation time, or salary on all days during which they are engaged in authorized training or duty ordered by proper authority, not to exceed 15 days in any one calendar year. Employees will continue to receive pay from the City. Requests for approval of military leave must have copies of the relevant military orders attached. Military leave in excess of 15 days will be charged to vacation leave without pay.

Regular employees who are ordered to extend active duty with the State or Federal Military Forces are entitled to all of the reemployment rights and benefits provided by law upon their release from active duty.

## **8.08 CIVIL LEAVE**

Employees are granted civil leave with pay for jury duty, for serving as a subpoenaed witness in an official proceeding, and for the purpose of voting.

When an employee has completed civil leave, he or she must report to the City for duty for the remainder of the workday. If the employee will be absent from more than one workday on civil leave, he or she must notify the appropriate supervisor daily at the beginning of the workday.

## **8.09 OTHER LEAVES OF ABSENCE WITHOUT PAY**

Leave of absence without pay is an approved absence from duty in a non-pay status. Granting a leave of absence without pay is at the discretion of the city manager. Such leave is not authorized unless there is a reasonable expectation that the employee will return to employment with the city at the end of the approved period; approval of the leave must be documented with a copy of the documentation to be placed in the employee's personnel file. Employees on leave of absence without pay receive no compensation and accrue no benefits. However, previously accrued leave balances, benefits, and seniority are retained during leaves of absence unless otherwise prohibited by the terms or provisions of the benefit programs. Medical insurance can be continued if the employee pays the premiums (including the city's portion) in full in a timely manner.

Revocation of Leave Without Pay: A leave of absence without pay may be revoked upon receipt of evidence submitted that the cause for granting such leave was misrepresented, or has ceased to exist.

Authorized Reasons for Leave Without Pay: A leave of absence without pay may be appropriate for the following reasons:

- 1) Military service (see also section on this type of leave);
- 2) Recovery from extended illness or temporary disability (see also section on this type of Leave);
- 3) Educational purposes when successful completion will benefit the City;
- 4) Public service assignments;
- 5) Personnel exchange programs which emphasize intergovernmental relations; or
- 6) Any other reason which, in the judgment of the department head and the city manager, merits a leave of absence without pay.

Return to Work After Leave Without Pay: Upon returning to work after an authorized leave of absence without pay, an employee receives the period of time that the employee used for leave of absence. This adjusted date will be used for the purpose of calculating vacation leave accrual and any other benefits that may be based on longevity.

At the expiration of an authorized leave of absence without pay, every effort will be made to reinstate the employee in the same, or a comparable, position. However, if no vacancy exists and a reasonable effort to place the employee in another position has been unsuccessful, the employee will be separated and paid accrued benefits. (See also section on Military Leave for specific provisions relating to leave of absence without pay for military service.)

## **8.10 EMERGENCY LEAVE**

Up to three days per year of emergency leave with pay may be granted to regular employees by the city manager:

- 1) If a member of the employee's immediate family; or
- 2) Illness of a member of the employee's immediate family who requires the employee's personal care and attention if sick leave is not available or if the employee elects not to use it for this purpose.

For purposes of emergency leave, family includes spouse, child, parent, brother, sister, grandparents of an employee, the employee's spouse, or any relative living in the employee's household. The length of time granted for a specific

emergency leave must be approved by the City Manager in advance and will depend on the circumstances, and the terms of and reasons for the leave must be documented and filed in the employee personnel file.

### **8.11 ADMINISTRATIVE LEAVE**

The city manager may authorize administrative leave, with or without pay, when warranted by unforeseen circumstances not otherwise provided for in these policies.

### **8.12 INJURY LEAVE**

For information on occupational disability or injury leave for bona fide, on-the-job, or work-related injuries, please see the sections in this manual under the main heading Health and Safety.

### **8.13 USING LEAVE IN COMBINATION**

When an employee who is on sick leave has exhausted his or her accrued sick leave, the employee will automatically be placed on vacation leave if:

- 1) The employee has accrued vacation leave available, and
- 2) The employee has not requested a temporary leave of absence without pay.

A regular employee who is requesting extended leave for illness or temporary disability has the option of choosing to use all or part of his or her accrued sick and vacation leave without pay, contingent upon the approval of the city manager.

Sick leave cannot be used for vacation purposes when vacation leave is exhausted.

With the approval of the employee's department head and the city manager, other types of leave may be used in combination or coupled with holidays if it is determined to be in the best interests of the city and the employees.

### **8.14 EXTREME WEATHER CONDITIONS OR SIMILAR CATASTROPHE**

The City Manager, when required by extreme weather conditions or a similar catastrophe, may approve the absence of employees or employees whose service is not essential during the emergency. Employees excused from work may use accrued vacation time to maintain full pay for the period. A period of three consecutive working days will be considered by the City Manager as a resignation; unless the City Manager determines otherwise, the resignation is not in good standing, and the employees are not eligible for reemployment.

## **9.00 HOLIDAYS**

### **9.01 GENERAL POLICY**

Paid holidays are established each year by the city council. The following are normally observed as paid holidays for regular employees who work at least 20 hours per week:

- New Year's Day
- Good Friday
- Memorial Day
- Independence Day
- Labor Day
- Thanksgiving Day and the Friday following
- Christmas Day

Temporary employees are not paid for holidays except for holiday hours actually worked.

Regular part-time employees who work at least 30 hours per week are paid for holidays based on the number they would have worked if the holiday had been a regular workday.

The city manager may designate other holidays in accordance with directions from the city council. A list of holidays approved by the city council for the current year, specifying days of the week and dates, will be distributed to all employees at least once each year. Whenever an approved legal holiday falls on a Saturday or Sunday, it will be observed on the Friday preceding or the Monday following, as determined by the City Manager.

An employee who is absent without approved leave on the workday immediately preceding or following a holiday will not be paid for the holiday.

### **9.02 WORK DURING HOLIDAYS**

It is not always feasible to grant holidays at the scheduled time, especially for employees who are assigned shifts on an "around-the-clock" operation. With the approval of the city manager, a department head who finds it necessary to do so may direct some or all employees of the department to report for work on any holiday.

### **9.03 HOLIDAYS FALLING ON NON-WORKDAYS**

Non-exempt employees who are required to work on a holiday will be compensated at their regular hourly rate for the holiday hours worked. Regular patrolmen are the only ones who are paid for the holidays whether they work or not.

### **9.04 HOLIDAY DURING VACATION**

If an official holiday falls within a regular employee's vacation, the employee will be granted the holiday and charged for a day of vacation.

## 10.00 HEALTH AND SAFETY POLICY

### 10.01 SAFETY POLICY

It is the policy of the city to make every effort to provide healthful and safe working conditions for all of its employees. In order to achieve this end, it is the responsibility of the employees to become familiar with the safety policy. After the employee has read the safety policy, he will provide the city with a signed statement saying that he/she has read and does understand the safety policy. The statement will include and become a permanent part of the employee's personnel record.

### 10.02 EMPLOYEE RESPONSIBILITIES AND REPORTS

Employees are responsible for conducting their work activities in a manner that is protective of their own health and safety, as well as the health and safety of other employees.

An employee must report every on-the-job accident, no matter how minor, to his or her supervisor within 24 hours. The supervisor is responsible for filing a written accident report immediately with the city finance officer, who must notify the city manager, in accordance with the City's Safety Policy.

Failure to report an on-the-job accident, no matter how minor, is grounds for disciplinary action.

### 10.03 EMPLOYEE SUGGESTIONS

Employees shall report immediately to their immediate supervisors any conditions that in their judgment threaten the health and safety of employees or visitors.

Employees are encouraged to make suggestions to their supervisors for improvements that would make the city Workplace safer or more healthful.

### 10.04 ON-THE-JOB INJURIES

Insurance: The city provides worker's compensation insurance for all of its employees. This insurance provides medical expenses and a weekly payment if an employee is absent from work because of a bona fide, on-the-job, work-related injury for more than one week. All worker's compensation insurance claim forms must be submitted to the City Secretary immediately for appropriate action to be taken.

Medical Attention: An employee who sustains a bona fide, on-the-job, work-related injury may seek medical attention from the medical facility or professional of his or her choice. The city encourages employees to return to work as soon as they are able to do so. An employee returning to work must submit a physical statement of medical condition and release to return to work. As determined by the city condition and released to return to work. As determined by the city manager, at the City's expense, an employee may be required to submit to an examination by an independent physician.

Compensation: If an employee sustains a bona fide, on-the-job, work-related injury which renders him or her unfit for performing the duties of the job, and if leave balances are available the employee may elect after the five-day injury leave period has expired, to be placed on paid leave status. In the event, the employee would continue to be paid and accrue leave time.

An employee receiving worker's compensation payments who elects not to be placed on leave status does not accrue vacation or sick leave and is not entitled to receive either additional holiday pay or other holiday benefits.

In the event the employee makes no selection regarding leave status, he or she will be placed on paid leave status if leave balances are available.

Duration of Worker's Compensation Leave: An employee is considered to be on workers compensation leave when he/she is receiving worker's compensation payments and has either elected not to be placed on leave status or has exhausted accrued leave balances.

Termination of Workers Compensation Leave: Worker's compensation leave may be terminated at any time without prior notice. The department head with City Manager approval will terminate the worker's compensation leave upon receipt of evidence that the employee, while able to return to work, has not done so.

Continuation of Supplemental, and/or Dependent's Insurance: To continue medical insurance when the employee is on worker's compensation leave and no longer receiving a regular city paycheck, the city shall pay the city's portion of the insurance premium and the employee shall pay the employee's portion of the insurance premium to the city shall for a period of up to three (3) months after the initial five-day injury leave period. After this three (3) month period has ended, the employee must pay both the employee's portion and the city's portion of the insurance premium to the city.

Exclusion: Injuries caused by a willful intent to harm one's self or another, intoxication, or act of a third party for personal reasons are excluded specifically from coverage by injury leave with pay.

Reporting Requirements: While on leave because of a bona fide, on-the-job, work-related injury, each time the employee sees the doctor for consultation or treatment, he or she must provide a progress report to the appropriate city supervisor, who passes the report along to the department head, city secretary, and city manager. Any change in the employee's condition that might affect his or her entitlement to worker's compensation payments must also be reported to the appropriate supervisor periodically to report on his or her condition. Failure to provide the required medical status reports or to contact the supervisor on the schedule required by the city is grounds for revoking the employee's leave and for taking disciplinary action.

Return to Service A written statement from an appropriate physician verifying that the employee has been released to return to work and specifying the type(s) of work he or she is capable of performing as well as any limitation(s) must be received by the city before an employee may return to work. All employees on injury leave must return to work after approval of either the employee's attending physician or independent physician paid by the city. Failure to return to work when directed will result in appropriate disciplinary action.

Light Duty Status: During the course of an occupational disability leave of absence, if an employee is released by his or her doctor for light duty, the employee's job or alternative job assignment(s) will be evaluated for a determination of whether a position is available in which the city can use the employee's limited services for an interim period of time.

If no acceptable light duty assignment can be found, the employee will be placed on inactive status until released by the doctor and worker's compensation to return to his or her previous job.

An employee who is able to return to work in light duty status may be required to work in a different department and perform duties not contained within his or her current job duties. When an employee is assigned to light duty status and performing different duties, he or she will be paid according to the level of pay that he or she would receive for the light duty job if the assignment were the result of a reorganization.

Final Release or Settlement: At the time of final release or settlement of a worker's compensation claim, the employee must furnish the city with a certificate from the employee's physician stating that the employee is able to return to work. The certificate must also specify any limitation(s) on the employee's physical condition and the estimated duration of the condition(s). The city will then evaluate the employee's physical condition and determine whether he or she can perform the duties of the job previously held. If:

- a) The employee cannot perform his or her previous duties; or

- b) No vacancies exist; or
- c) No other suitable position is available; and
- d) A reasonable effort has been made to place the employee in a suitable position,

then he or she will be separated and paid accrued benefits. If the employee is separated from city employment at this point, the city manager or his or her designee will:

- 1) Send him or her a certified, return receipt requested, letter;
- 2) Explain the circumstances, outlining the reasonable effort made to place the employee in a suitable position;
- 3) Inform the employees that he or she has been separated from city employment and that he or she will be mailed a final paycheck, if applicable, for any accrued and payable leave benefits; and
- 4) Inform the employee that he or she will be notified of the first comparable opening available with the city and given consideration for the position if the employee is able to perform the work at the time such a vacancy occurs. A copy of this correspondence will be placed in the employee's personnel file.

The city secretary will establish a suspense item to ensure that the separated employee is notified immediately if a suitable position becomes available.

#### **10.05 DRUG-FREE WORKPLACE**

The following policy has been adopted to implement the city's desire to establish itself as a Drug-Free Workplace.

**A POLICY OF THE CITY OF SINTON  
RELATING TO THE DRUG-FREE  
WORKPLACE ACT**

For many years, the City of Sinton has been committed to providing a safe and productive work environment for our employees. In addition, we will provide education, training, and appropriate policies to accomplish this objective and to provide an awareness of the damages of drugs in the Workplace. We want all of our employees to be able to perform their jobs safely and efficiently and we are committed to taking the steps necessary to ensure a drug-free workplace. The City provides an Employee Assistance Program which offers a full range of confidential counseling and assistance for employees who voluntarily seek help.

The City will not tolerate the unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance in the workplace. Violation of this policy will lead to disciplinary actions up to and including termination.

All employees are required to notify their department head within five (5) days of any personal criminal drug statute convictions for a violation occurring in the workplace. The department head must immediately notify the City Manager. These individual heads must immediately notify the City Manager. These individuals will notify the required federal contracting agency, within ten (10) days of receiving actual notification of such conviction.

\_\_\_\_\_  
Employee

\_\_\_\_\_  
City Manager

Passed December 4, 1990  
By the Sinton City Council

\_\_\_\_\_  
City Secretary

\_\_\_\_\_  
Mayor

## **11.00 USE OF CITY PROPERTY**

### **11.01 GENERAL POLICY**

The city attempts to provide each employee with adequate tools, equipment, and vehicles for the job being performed and expects each employee to observe safe work practices and safe and courteous operation of vehicles and equipment in compliance with all applicable regulations.

### **11.02 USE OF TOOLS, EQUIPMENT, PROPERTY, AND VEHICLES**

Employees who are assigned tools, equipment, vehicles, or any other city property by their departments are responsible for them and for their proper use and maintenance.

City property, materials, supplies, tools, equipment, and vehicles are purchased with taxpayer funds and are intended for the maintenance and operations of the city. No personal or political use of any city property, materials, supplies, tools, equipment, or vehicles is permitted. If an employee is in doubt about a circumstance, he or she must check with his or her supervisor before proceeding. Violations of this policy may result in discharge and possible prosecution.

### **11.03 VALID DRIVER'S LICENSE**

All operators of city vehicles are required to have the valid State of Texas driver's license necessary for the legal operation of that vehicle and to keep their supervisors informed of any changes of status in their licenses. Department heads, and supervisors will conduct periodic checks of the driving records of all employees who operate city vehicles. Failure to maintain a safe driving record may be grounds for disciplinary action and/or dismissal.

Suspension or revocation of the driver's license of an employee who is assigned as a vehicle or equipment operator may result in a demotion or dismissal.

### **11.04 VEHICLE INSURANCE**

The City maintains up-to-date insurance coverage on all vehicles owned by the City. Employees who drive a personal vehicle on City business are required to provide the City Secretary with proof of automobile liability insurance as required by the State of Texas and to maintain up-to-date insurance coverage. Failure to do so may be grounds for disciplinary action and/or dismissal.

### **11.05 ACCIDENT REPORTING**

Any employee operating city equipment or vehicles must report all vehicular accidents and property damage or liability claims to his or her supervisor and to the police department immediately.

Each vehicular accident, no matter how minor, must be reported to the police department so that an official accident report can be filed. The police department must notify the city manager of the accident by forwarding copies of all accident reports involving city equipment or vehicles as soon as investigations are completed. The City Manager will forward copies to the employee's department head, the city secretary, and the personnel file. Failure to notify the police department immediately is grounds for disciplinary action.

## 12.00 RULE OF CONDUCT AND DISCIPLINE

All employees of the City of Sinton are expected to report to work regularly and on time, work diligently and conscientiously for the benefit of the City as directed by their supervisors, and maintain a high level of conduct, both on and off the job.

### 12.01 GENERAL

Employment with the City of Sinton is "at will". In the interest of maintaining good management practices, the following list are examples of action, but not intended to be all-inclusive, that can result in disciplinary action:

#### RULES OF CONDUCT

The following are offenses that apply to all employees and which are grounds for a discharge, or depending on the facts and circumstances of the particular case may result in demotion, suspension, or written reprimand or termination.

- a) **UNSATISFACTORY ATTENDANCE:** Excessive absences and/or tardiness.
- b) **INCOMPETENCE:** Inability or willingness to perform assigned work satisfactorily; or an accumulation of other offenses.
- c) **INDIFFERENCE TOWARD WORK:** Inefficiency, loafing, careless failure to remain at work, performing personal business during working hours, abuse of eating and/or rest periods, sleeping or otherwise being inattentive during working hours, interfering with the work of others, discourteous treatment of the public or other employees. Leaving work without permission.
- d) **INSUBORDINATION:** Willful failure or refusal to perform assigned work; or to fully comply with instructions or orders as requested by the supervisor or other members of management.
- e) **VIOLATION OF SAFETY RULES:** Smoking in prohibited areas, improper removal of safety guards, fire extinguishers, or other equipment designed to protect employees, or failure to use safety or to follow safety practices or rules; failure to report an on-the-job injury, or vehicle accident, or vehicle accident, or unsafe condition.
- f) **DISHONESTY:** Stealing, or taking City property of other employees without proper authorization; misuse of City or employee funds, forgoing or willfully falsifying official City reports, records, or documents, misuse of paid absence, or any other falsifying action detrimental to the City or fellow employees.
- g) **DISTURBANCE:** Fighting; using profane, abusive, or threatening language; unnecessary loud or boisterous language or conduct; causing injury to fellow employees through deliberate action or gross negligence; spreading false reports; or otherwise disrupting the harmonious relations between employees.
- h) **ABUSE OF DRUGS AND ALCOHOL:** Reporting for work in an unfit condition; being under the influence of intoxicants, or a controlled substance including marijuana or a dangerous drug during working hours; or possessing intoxicants; or unlawfully possessing controlled substances, including marijuana, narcotics, or dangerous drugs on City property or on City vehicles.
- i) **MISUSE OF CITY EQUIPMENT OR SERVICES:** Using or providing any City equipment or services for the official City business or without proper authority.
- j) **MOTOR VEHICLE USE:** All employees are expected to operate any motor vehicle or other equipment in a safe and prudent manner and in accordance with the motor vehicle laws of the State of Texas. Any employee, whose position demands a current, valid operations license and who has his/her license suspended or revoked, is subject to transfer, demotion, suspension, or discharge.

- k) SABOTAGE: Deliberate damage or destruction of City equipment or property. Altering, removing, or destroying City records. Advocacy of or participation in unlawful acts. Encouraging or engaging in slowdowns, satins, strikes, or any other concerted effort to limit or restrict employees from working.
- l) MISCONDUCT: Any criminal offense or conduct, including immoral conduct, during or off working hours, which could have an adverse effect on the City or on the confidence of the public in the integrity of the City government, or on the relationship of the employee and other employees.
- m) Unauthorized or abusive use of official authority or violation of any of the requirements of these personnel rules.
- n) Sexual Harassment.
- o) Conviction of felony.

## **12.02 PROGRESSIVE DISCIPLINE**

The department Head manager may take disciplinary action, including dismissal, against an employee at any time. The severity of the discipline depends upon the nature of the infraction. The City may, but not necessarily will, use a progressive discipline system.

Actions other than oral warnings, written warnings, written reprimands, or suspensions up to three (3), require the advance approval of the city manager unless an emergency situation exists.

Except in the case of oral warnings, disciplinary action must be accomplished or preceded by oral and written notice to the employee involved. The notice includes a description of the cause for the action and, except in the case of dismissal, states the conduct. Written notice of disciplinary action is included in the employee's personnel file.

Disciplinary action does not automatically or permanently disqualify an employee from consideration for future promotion, pay increases, commendations, or other beneficial official personnel actions.

For additional information regarding procedures to be followed if the discipline results in separation by involuntary dismissal, see the following sections of this manual relating to Separations.

In addition to the above policy covering progressive discipline, an offense may be so severe as to warrant immediate discharge without notice.

## **13.00 SEPARATIONS**

### **13.01 TYPES OF SEPARATIONS**

All separations of employees are designated as one of the following types:

- Resignation;
- Retirement;
- Reduction in Force;
- Dismissal;
- Disability; or
- Death

### **13.02 RESIGNATION**

An employee who intends to resign must notify his or her supervisor in writing at least 10 working days prior to the last day of work. The supervisor is responsible for notifying the department head and the City Manager immediately.

### **13.03 RETIREMENT**

The same notice requirements for resignation apply in the case of retirement except that a longer period of advance notice may be required to start retirement payments promptly.

See the sections of this manual under the main heading of Benefits for additional information on retirement.

### **13.04 REDUCTION IN FORCE**

An employee may be separated when his or her position is abolished, or when there is either a lack of funds or a lack of work.

When reductions in force are necessary, decisions on individual separations will be made after considering

- 1) The relative necessity of each position to the organization
- 2) The performance record of each employee
- 3) Qualifications of the employee for remaining positions with the City
- 4) The employee's length of service with the City.

Employees who have been laid off may reapply to the city for other positions. Qualified former employees will be given priority consideration in the event of a vacancy.

When a regular employee who has completed the introductory period is dismissed as the result of a reduction in force, he or she will be given a minimum of two weeks' written notice and paid in full to the time of discharge, including accrued benefits. In addition, the supervisor or department head will attempt to guide the employee to any available, suitable job opening in the area for which the employee qualifies.

### **13.05 TERMINATION DUE TO BUSINESS NECESSITY**

In some cases, an employee who has been injured may be terminated due to business necessity. If the injury was on the job, his or her benefits under the Worker's Compensation Act will not be affected.

An employee may be terminated due to business necessity if one of the following applies:

- A) The employee has been off of work or has been unable to perform all of the duties of his or her normal position for at least ninety (90) days.
- B) The employee's frequency and number of lost-time injuries and the number of days her or she has been unable to perform all of the duties of his or her position is such that the employee's contribution to the City is minimal or non-productive.

It is the Department Head's responsibility to make a written request fully justifying the reasons for the business necessity termination and to present documentation to the City Manager.

### **13.06 DISMISSAL**

In addition to termination for cause, at any time during the introductory period, a new regular employee may be dismissed if, in the supervisor's, department heads, and city manager's opinions,

- the employee is either unable or unwilling to perform the duties; or
- if the employee's dependability does not merit the continuance of city employment; or
- for other reasons as provided elsewhere in these policies.

### **13.07 DISABILITY**

When an employee becomes physically or mentally disabled not through a bona fide, on-the-job, work-related injury, make recommendations to the city regarding the employee's ability to continue to work. When the employee is determined by the physician to have a temporary disability, the city will attempt, for a reasonable period of time, to hold the employee's position open for him or her. In addition, the city will attempt to locate other positions for temporarily or permanently disabled employees whose disabilities prevent them from returning to their current positions but do not preclude them from performing other types of work. In cases of disability where an employee is unable to return to work permanently and within a reasonable amount of time, that employee will be separated from employment with the city.

Voluntary separations based on reasons of disability must be substantiated by medical evidence if the disability may be a factor or condition of the retirement plan covering the employee.

### **13.08 DEATH**

If a city employee dies, his or her estate receives all pay due and earned and payable benefits as of the date of death.

### **13.09 CALCULATION OF SEPARATION PAY**

Upon separation from city employment, a regular employee who has completed his or her introductory period will be paid for accrued and unused vacation leave up to the maximum allowable accumulation limit.

Payment for such leave balances will be included in the employee's final paycheck and will be calculated in the following manner:

The total work time and allowable vacation (see section on "Vacation Leave" to determine allowable vacation) and compensatory as the total number of hours for which compensation is due. For most full-time employees, the regular hourly rate will be determined by dividing the employee's regular annual salary by 2080 working hours per year. Part-time regular employees will be compensated on a proportionate basis based on actual hours worked and leave time

accrued. Any amount paid for unused vacation will be based on the salary rate in effect for the employee at the time of termination.

For employees who are subject to the Fair Labor Standards Act, any overtime hours worked during the employee's final pay period, which have not been compensated through any of the time-off methods described under the "Overtime Compensation" Section in these policies, will be paid in the final paycheck at a rate one and one-half times the number of hours worked, the payment for these hours is equivalent to time and one-half times the employee's regular hourly rate for each overtime hour worked.

Compensatory time which has been entered and carried on the employee's records at one and one-half times the number of hours worked will be paid at the employee's regular straight-time for the total on the employee's compensatory time record; since the compensatory time is recorded at one and one-half times the number of hours actually worked. Unused sick leave will be canceled upon termination of employment, and the employee will not be compensated for it.

The employee will receive his or her final paycheck on the city's next regular payday or within six (6) days whichever occurs first.

### **13.10 EXIT INTERVIEWS AND RECORDS**

Reason(s) for a separation are stated in writing, signed by the department head, and except in unusual or emergency circumstances, initialed by the employee on the city's exit interview form. The department head of an employee who is separated shall discuss with the employee the reason(s) for the separation in an exit interview whenever possible (see "Dismissal" section in this manual for additional requirements in the event of an involuntary dismissal).

The city manager also must sign the exit interview form. The exit interview record is important and may be instrumental in determining the city's liability, or lack of liability, for unemployment insurance costs.

### **13.11 CONTINUATION OF GROUP INSURANCE**

The federal Consolidated Omnibus Reconciliation Act of 1985 (COBRA) allows certain individuals the option of continuing their group health and dental insurance, at the individuals' full expense, under specified conditions, beyond the date on which it would otherwise terminate. An insurance certificate from the city's group insurance carrier is given to each employee at the time of employment and explains these options under the city's carrier at the time the employee is hired. Later revisions in group insurance coverage are explained in subsequent insurance certificates distributed to each employee at the time the coverage revision is effective.

Each covered employee is responsible for notifying the city of any change in family status – separation, divorce, or a child becoming eligible or ineligible for the dependent's coverage. If the change would cause the employee or a covered dependent to become ineligible for city-supplemented group insurance, the city will provide an "Insurance Coverage Continuation Form" to be completed by the appropriate person(s). In order to qualify for continuous coverage, specific time periods must be met, and full premiums must be paid in a timely manner by the employee or the applicable spouse or child.

The city will send an individual utilizing this provision a monthly statement of the amount due. If the person's payment is not received by the tenth of the month, the city will notify the insurance carrier that the payment was not received. If this occurs, the city will neither pay the person's premium nor enter into payment arrangements for this coverage.

The City of Sinton will pay full-time Retiree's Medical Health Insurance. The City Retiree must have at least twenty-five (25) years of credit service with the Texas Municipal Retirement System (TMRS), with all twenty-five years being continuous with the City of Sinton and who will be drawing a retirement check from TMRS. This policy will go into effect with the passing of this ordinance and will be retroactive for employees who are employed with the City at this time.

(Ordinance #2008-01)

## **14.00 GRIEVANCES**

### **14.01 POLICY**

It is the policy of the city, insofar as possible, to prevent the occurrence of grievances and to deal promptly with those which occur. No adverse action will be taken against an employee for reason of his or her exercise of the grievance right.

### **14.02 APPEALS**

Any employee covered under the terms of this article who is suspended, demoted, or dismissed may file a written appeal with the Personnel Board within one (1) week after the effective date of the suspension, demotion, or dismissal, stating fully the basis for his belief that the action taken was unjust. The Personnel Board (the decision of the City Manager) shall be final. The City Manager will notify the employee of his or her discussion within three (3) days. The decision of the City Manager shall be final.

During the course of any Personnel Board hearing relating to disciplinary action, any employee of the City may be requested to attend and give witness. Any employee refusing to do so may be subject to disciplinary action.

## **15.00 JOB (CLASS) DESCRIPTIONS AND PERFORMANCE EVALUATION**

### **15.01 JOB DESCRIPTIONS**

The City Manager establishes and periodically reviews an official job (class) description for each position in the city.

### **15.02 DISTRIBUTION**

The job description for each employee's position will be

- 1) Given to the employee;
- 2) Reviewed by the employee; and
- 3) Placed in the employee's file who has reviewed it.

In addition, each employee is given a copy of the job description to keep.

### **15.03 REQUESTS FOR CLARIFICATION**

In the absence of any request for clarification, each employee is considered to understand the responsibilities assigned to the position which he or she occupies.

### **15.04 EMPLOYEE PERFORMANCE EVALUATIONS**

Supervisory personnel will conduct a written performance evaluation of and an evaluation interview with each city employee at least annually. Performance evaluation records are maintained in each employee's personnel file.

## **16.01 PERSONNEL FILES**

### **16.01 GENERAL**

Personnel files are maintained in a central location as designated by the City Manager.

Information in an employee's personnel file is public information and must be disclosed upon request unless specific items are excepted from disclosure by law. No information from any record placed in an employee's file will be communicated to any person or organization except by the City Manager.

Each employee may choose whether the city discloses the employee's home address and telephone number to the public on request. If a new employee does not request confidentiality within 14 days of employment, the home address and telephone number on file are considered public information, with the exception of police officers, whose addresses and telephone numbers are not public information. Employees may change their elections for disclosure or confidentially at any time. A form for designating this information as confidential or public is available from the City Secretary's Office.

An employee, or his or her representative designated in writing, may examine the employee's personnel file upon request during normal working hours at the city offices. The employee may request copies of items or materials in his or her office. The employee may request copies of items or materials in his or her personnel file but may not remove anything from the file.

Employees are expected to inform their supervisors of any changes in or corrections to information recorded in their individual personnel files such as home address, telephone number, person to be notified in case of emergency, or other pertinent information.

### **16.02 PERSONNEL ACTION FORM**

The Personnel Action Form is the official document for recording and transmitting to the personnel file each personnel action. This form is used to promote uniformity in matters affecting:

- Employment Category,
- Position Title and Classification,
- Pay Group and Rate, and
- Other Actions Affecting the Employee's Status.

The Personnel Action Form is completed on the employee's first day of work and again when there is any change in his or her status that relates to employment or benefits. Each Personnel Action Form becomes a permanent part of the employee's personnel file, and a copy is given to the employee.

### **16.03 CONTENTS OF PERSONNEL FILES**

An employee's official personnel file contains:

- An employment record;
- A copy of the employee's application for employment/resume;
- I-9 form;
- A signed copy of the employee's acknowledgment of having reviewed a copy of the Personnel Policies Manual and the job (class) description for the position he or she currently occupies;
- A signed statement saying that the employee has read and does understand the safety policy. (See section 19.02);

- Employee job description(s);
- Election to Disclose or Keep Confidential Home Address and Home Telephone Number Form;
- Personnel Action Forms;
- Records of any citations for excellence, awards for good performances job-related training/education;
- Records of disciplinary action(s);
- Performance evaluations;
- Copies of any grievances and related materials;
- Any other pertinent information having a bearing on the employee's status; and
- Any written statements from the employee explaining, rebutting, or clarifying other items in the file.

#### **16.04 LEAVE RECORDS**

Official records of vacation leave and sick leave accrual and leave usage are kept for each employee by the payroll office. Leave records are updated at the end of each pay period. Leave balances are shown on the official record to reflect any remaining leave to which an employee is entitled. It is the responsibility of each department head to provide this information to the payroll office.

## **17.00 PROFESSIONAL DEVELOPMENT**

### **17.01 GENERAL POLICY**

The City encourages its regular full-time and part-time (at least twenty hours per week) employees to take advantage of educational or training opportunities and professional memberships that are related to and will enhance their performance of their work with the City.

### **17.02 REQUIRED ATTENDANCE AT SEMINARS AND CONFERENCES**

When the City or State Law requires an employee to attend any educational or training course, conference, or seminar, the City will provide the necessary time off with pay and will reimburse the employee for associated costs, including tuition or registration fees, authorized travel, meals, and lodging. When appropriate, the City may prepay registration fees, hotel costs, and/or airline or other public transportation costs directly to the entity involved. See additional information in the sections of this manual under the main heading Travel and Subsistence.

### **17.03 PROFESSIONAL MEMBERSHIPS AND SEMINARS**

Subject to the prior approval of the City Manager, an employee who joins a professional association related to his or her work at the City may be reimbursed for dues and necessary travel expenses when meetings are judged to offer special training or information of value to the employee in his or her work at the City. Likewise, subject to the City Manager's prior approval, an employee may be reimbursed for conference or seminar expenses if the conference or seminar is related to his or her work.

## **18.00 TRAVEL AND SUBSISTENCE**

### **18.01 GENERAL POLICY**

The policy of the City is that employees are to be fully reimbursed for necessary and reasonable job-related expenses incurred in the authorized conduct of City business, including business-related travel. Except in cases involving in-city use of a personal vehicle, employees must fill out an "Expense Report" form before travel which involves reimbursable expenses. The request should include an estimate of costs to be incurred. At the discretion of the City Manager, cash advances may be made. Regardless of whether a cash advance has been made or a request submitted for reimbursement of expenses, all such travel expenses are subject to requirements of documentation and reasonableness and will be honored in conformance with adopted policies and procedures, provided that the travel was properly authorized and that the funds are available in the department's budget. In some cases, the City may prepay such expenses as registration fees, hotel costs, and/or airline or other public transportation costs directly to the entity involved.

Expenses that are not permitted under the terms of grants, contracts, or agreements with other agencies will not be charged as costs to those grants, contracts, or agreements.

### **18.02 IN-CITY TRAVEL**

All necessary travel by city employees for authorized conduct of City business within the City is authorized. Meals will be reimbursed, subject to approval by the City Manager. Reimbursement for the use of private automobiles by employees is made monthly upon submission of required report and request forms, reimbursement request form.

### **18.03 OUT-OF-CITY TRAVEL**

Out-of-city travel by city employees is permissible provided that it is authorized in advance by the department head and does not exceed budgetary limitations, advances or reimbursement for out-of-city travel are based upon the most economical conveyance that is reasonably available. When private automobiles are used for out-of-town travel, reimbursement is allowed on the basis of actual mileage traveled or tourist class airfare, whichever is less. The difference in cost between first-class air accommodations and less-than-first-class air accommodations is unallowable except when less-than-first-class air accommodations are not reasonably available.

In cases where a rental car is used, employees must choose the optional insurance coverage; the city will pay for the insurance cost.

### **18.04 SUBSISTENCE EXPENSES**

Employees engaged in necessary and authorized travel in the conduct of city business will be reimbursed for actual costs of reasonable and documented expenses necessary to conduct the business for the city. Reimbursable subsistence expenses will generally be for food, registration, lodging, officials' business telephone calls, parking, tolls, taxis, and reasonable gratuities.

### **18.05 PERSONAL VEHICLE**

Where the use of a personal vehicle is judged to be the most reasonable means of transportation in the conduct of official business, reimbursement will be at the current maximum non-taxable rate allowed by the Internal Revenue

Service at the time the mileage is incurred. Employees are expected to report the shortest distance between points of departure and destinations for all travel. Travel between an employee's residence and the city offices is not eligible for reimbursement.

#### **18.06 EXPENSE REPORT**

As soon as an employee returns from a trip, or at least within one week from the date the travel was concluded, he or she must complete an expense report form documenting any actual expenses incurred on the trip that was not prepaid directly by the city to the entity involved. The City will issue a reimbursement check to the employee for allowable out-of-pocket expenses. The expense report must show the amount of any cash advance given to the employee. All reimbursements must be approved by the department head and the city manager.

#### **18.07 EXCEPTIONS**

The city secretary is authorized a monthly mileage allowance of \$100.00 and is authorized to receive a mileage allowance for trips exceeding 15 miles round trip. The city manager is authorized a mileage allowance of \$350.00 per month and is authorized to receive an image allowance per trip exceeding 100 miles round trip.

When two or more employees travel in a single automobile, only one employee will receive per-mile or other automobile reimbursements.

Conference registration checks will be made payable only to the organization sponsoring the conference.

Travel and/or moving expenses involving applicants, new employees, or transferred employees may be reimbursed by individual action of the appropriate department head, with approval from the city manager.

#### **18.08 PROHIBITED EXPENDITURES**

The cost of traffic citations or illegal activities is not allowable for reimbursement.

## **19.00 MISCELLANEOUS POLICIES**

### **19.01 CHAIN OF COMMAND**

Individual city employees are responsible to the department head or city manager or to a supervisor designated by the department head or city manager. Department heads are responsible to the city council as a whole. Directions regarding work to be done, expected results, the adequacy of work performance, and grievances will follow the chain of command.

### **19.02 SAFETY RULES**

The City wants to make perfectly clear its position with respect to the control of losses resulting from accidents and other job hindrances occurring in the City of Sinton.

One of the important phases of our municipality is to provide and maintain safe and healthful working conditions and to follow operations practices that will safeguard all employees, resulting in safe working conditions and efficient operation. Safety is everyone's responsibility, taking precedence over everything else.

The City Council believes that accident prevention and efficient operations go hand in hand. The efficiency of any organization can be measured directly by its ability to control unnecessary loss of all kinds. Accidents resulting in personal injury, and damage to equipment and property represent needless waste.

We must also keep in mind as a prudent Municipal organization, that the controllable cost of accidents which can be a considerable expense item is achieved through planning an efficient operation.

A loss control program founded on understandable rules and procedures will succeed if those persons including department heads and all employees, who are associated with this program apply themselves to the control of losses.

We must also bear in mind the important indirect effect of safe and efficient performance, namely, our image in the public eye which is, to a large extent, created by the manner in which our employees conduct themselves in their work including the operation of the city vehicles.

Each department head will be responsible for implementing this safety program and requested to support this program and assist the City Manager's office by enlisting the cooperation and enthusiasm of all employees under his supervision in this loss control program.

The City Manager is taking a direct interest in the process of this program. Procedures will be established to provide information on the results in various departments.

The Formal Safety Policies and Standard Operating Procedures are determined by each department head.

Assessed and adopted by the City Safety Committee of the City of Sinton, Texas, this the 13<sup>th</sup> day of August 1986.

**CITY OF SINTON  
P O BOX 1395  
SINTON, TEXAS 78387**

**I UNDERSTAND THAT THIS EMPLOYEE POLICY MANUAL IS A GENERAL GUIDE AND THAT THE PROVISIONS OF THIS HANDBOOK DO NOT CONSTITUTE AN EMPLOYMENT AGREEMENT OR CONTRACT OR A GUARANTEE OF CONTINUED EMPLOYMENT. I FURTHER UNDERSTAND THAT THE CITY OF SINTON RESERVES THE RIGHT TO CHANGE THE PROVISIONS OF THIS HANDBOOK AT ANY TIME.**

**ADOPTED DECEMBER 6<sup>TH</sup>, 1994**

**RESOLUTION NO.20160920 ADOPTED 9/20/2016**

\_\_\_\_\_  
**SIGNATURE**

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**DATE**